

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	DAVID H. COAR	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	07 C 6646	DATE	2/27/2008
CASE TITLE	Robert Williams (#2007-0013791) v. Cook County Sheriff		

DOCKET ENTRY TEXT:

Plaintiff Robert Williams has submitted an incomplete *in forma pauperis* application. The current application [6] is denied without prejudice to plaintiff submitting a completed application within 30 days of the date of this order. If plaintiff fails to submit a completed *in forma pauperis* application or pay the filing fee within 30 days, the Court may dismiss this case. Additionally, plaintiff is advised that there is a pending suit involving a class of inmates with the same claim plaintiff is raising. See *Jackson v. Cook County Sheriff*, 06 C 493. If plaintiff wants to be included in that class, he should contact the attorneys representing the class, Kenneth Flaxman, 200 South Michigan Avenue, Suite 1240, Chicago, IL 60604-6107, (312) 427-3200, or Thomas Morrissey, 10249 South Western Avenue, Chicago, IL 60643, (773) 233-7900. The Court further advises that there is a March 31, 2008, deadline for the submission of claims in the class action suit. The clerk shall send to plaintiff another *in forma pauperis* application; a copy of the order entered 12/6/07 in case number 06-394 [254], and a copy of this order. If plaintiff intends to join the class action suit rather than proceed with the instant case, he should notify the Court. The clerk shall also send a copy of this order to Kenneth Flaxman and Thomas Morrissey.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

Plaintiff Robert Williams, currently incarcerated at Cook County Jail, has filed this 42 U.S.C. §1983 suit against the Cook County Sheriff. Plaintiff seeks damages for having to submit to the swabbing of his penis. On January 8, 2008, this Court ordered plaintiff to submit an amended complaint on this Court's form and either prepay the \$350 filing fee or submit an *in forma pauperis* application. Plaintiff has submitted an amended complaint on this Court's form and an *in forma pauperis* application; however, the application is incomplete.

Under the Prison Litigation Reform Act ("PLRA"), an inmate must either prepay the \$350 filing fee or seek leave to proceed *in forma pauperis* to file his complaint. If the inmate is unable to prepay the filing fee, the Court will assess an initial partial payment, and allow deductions from his prison or jail trust fund account as additional partial payments until the entire filing fee is paid. This Court requires that inmates seeking *in forma pauperis* status file their motions on a prescribed form. Local Rule 3.3. The form requires an inmate to obtain a certificate stating the amount of money he has on deposit in his prison or jail trust fund account. With the form, the inmate must also submit a certified copy of his trust fund account statement (or institutional equivalent), showing all activity for "the 6-month period immediately preceding the filing of the complaint." 28 U.S.C. § 1915(a)(2). The certificate and copy of the trust fund account statement are necessary for this Court to determine whether plaintiff qualifies as a pauper and to assess an initial partial payment of the filing fee.

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STATEMENT (continued)

If plaintiff wants to proceed with this action, he must either prepay the \$350 filing fee or submit a completed *in forma pauperis* application on the enclosed form with a completed certificate from an authorized officer, as well as a copy of his trust fund account showing all activity therein for the six-month period immediately preceding his filing of the instant suit. The clerk shall forward another application to Plaintiff. Failure to submit a completed *in forma pauperis* application or pay \$350 filing fee within 30 days of the date of this order may result in dismissal of this case.

Plaintiff is advised that there is a class action suit pending involving the same claim that plaintiff raises in the instant suit. *See Jackson v. Cook County Sheriff*, 06 C 439. If plaintiff wants to be a member of the class he should contact the attorneys representing the class, Kenneth Flaxman, 200 South Michigan Avenue, Suite 1240, Chicago, IL 60604-6107, (312) 427-3200, or Thomas Morrissey, 10249 South Western Avenue, Chicago, IL 60643, (773) 233-7900. The deadline for filing claims in the class action suit is March 31, 2008. If plaintiff intends to join the class, as opposed to proceeding with the instant separate suit, he should notify the Court.

Dated: February 27, 2008

/s/David H. Coar

David H. Coar, U.S. District Judge